

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4171 of 2026

Arising Out of PS. Case No.-313 Year-2025 Thana- AGAMKUAN District- Patna

Ashiq @ Ashiq Kumar @ Chhotu @ Chhote Sarkar S/o- Ram Kishun Mahto
@ Ram Krishn Mahto @ Nankhi Mahto Village- Dhanki @ Jaipur Dhanuki
PS- Agam Kuan Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2026 Heard Mr. Gajanan Mishra, learned counsel for the
petitioner and Mr. Rajendra Nath Jha, learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since
27.05.2025 in connection with Agam Kuan P.S. Case No. 313 of
2025, F.I.R. dated 12.04.2025 for the offences punishable under
Section 317(5) of the BNS, 2023 and section 25(1-b)a, 26, 35 of
the Arms Act.

3. According to prosecution case, one country made
pistol, 5 cartridges, a Samsung Mobile and one remote key were
recovered from possession of co-accused persons.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. Learned counsel further submits that the allegation



as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. The name of the petitioner has been transpired during investigation on the basis of confessional statement of apprehended co-accused person, namely, Happy Kumar @ Thakur who has disclosed the name of the petitioner. It appears from the FIR that the alleged recovery has been made from the apprehended co-accused person, namely, Happy Kumar @ Thakur and except aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. The police after investigation, submitted chargesheet against the petitioner and he is in custody since 27.05.2025.

5. Learned APP has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one but fairly submits that out of seven cases the petitioner is on bail in three cases and rest four cases are pending for consideration before the competent court of law.

6. Considering the aforesaid facts and circumstances of the case and also the fact that the name of petitioner has been transpired during investigation on the basis of confessional



statement of apprehended co-accused person and no incriminating material has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Patna City in connection with Agam Kuan P.S. Case No. 313 of 2025, with the following conditions:

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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